

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
SW/Corner Dunmore and Rannoch Drives \* DEPUTY ZONING COMMISSIONER  
(6 Dunmore Drive) \* OF BALTIMORE COUNTY  
1st Election District \* Case No. 91-225-A  
1st Councilmanic District  
Gary D. Stewart, et ux  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 24 feet in lieu of the required 30 feet for a proposed two story addition in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 6 Dunmore Drive, consists of 0.1755 acres zoned D.R. 5.5 and is improved with a two-story single family dwelling which has been Petitioners' residence for the past two years. Petitioners are desirous of constructing a two-story addition on the rear of the property to expand the existing kitchen on the first floor and expand a bedroom and add a bathroom on the second floor. Testimony indicated the proposed addition will be constructed of a design and materials similar to the existing dwelling and will be compatible with the surrounding neighborhood. Testimony indicated the relief requested will not result in any detriment to the health, safety and general welfare of the community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *Moelan v. Solev*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of February, 1991 that the Petition for Zoning Variance to permit a rear yard setback of 24 feet in lieu of the required 30 feet for a proposed two-story addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments.

AMN:bjs

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

111 West Chesapeake Avenue  
Towson, MD 21204

February 15, 1991

887-3353

Mr. & Mrs. Gary D. Stewart  
6 Dunmore Drive  
Baltimore, Maryland 21228

RE: PETITION FOR ZONING VARIANCE  
SW/Corner Dunmore and Rannoch Drives  
(6 Dunmore Drive)  
1st Election District - 1st Councilmanic District  
Gary D. Stewart, et ux - Petitioners  
Case No. 91-225-A

Dear Mr. & Mrs. Stewart:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: People's Counsel

File

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-225-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 to permit a rear yard setback of 24 feet in lieu of the required 30 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Mr. Gary D. Stewart

(Type or Print Name)

Signature

Mrs. Kathleen M. Stewart

(Type or Print Name)

Signature

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**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 1st Date of Posting: January 14, 1991  
Posted for: Kavanaugh  
Petitioner: Gary D. Stewart, et ux  
Location of property: 6 Dunmore Drive  
Location of Sign: front of 6 Dunmore Drive  
Remarks: See front of 6 Dunmore Drive  
Posted by: J. Robert Haines Date of return: January 18, 1991  
Number of Signs: 1

**Baltimore County Zoning Commissioner**  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6156  
Number: **No 3758**

Date: 1/25/91

PUBLIC HEARING FEES  
PUBLIC HEARING VARIANCE FEE  
LAST NAME OF OWNER: STEWART

AP100178  
QTY PRICE  
1 \$35.00  
TOTAL: \$35.00

06404W3095MICHRD  
EA COLL:24A10-26-90 \$35.00

Please make checks payable to: Baltimore County

Cashier Validation:

**Baltimore County Zoning Commissioner**  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6156  
Number: **91-225**

Date: 1/25/91

PUBLIC HEARING FEES  
PUBLIC HEARING VARIANCE FEE  
LAST NAME OF OWNER: STEWART

AP100178  
QTY PRICE  
1 \$35.00  
TOTAL: \$35.00

06404W3095MICHRD  
EA COLL:24A10-26-90 \$35.00

Please make checks payable to: Baltimore County

Cashier Validation:

**Baltimore County Government**  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: 1/25/91

Mr. & Mrs. Gary D. Stewart  
6 Dunmore Drive  
Baltimore, Maryland 21228

RE:  
Case Number: 91-225-A  
SAC Dunmore and Rannoch Drives  
6 Dunmore Drive  
1st Election District - 1st Councilmanic  
Petitioner(s): Gary D. Stewart, et ux  
HEARING: THURSDAY, FEBRUARY 7, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 75.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

**Baltimore County Government**  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

December 17, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-225-A  
SAC Dunmore and Rannoch Drives  
6 Dunmore Drive  
1st Election District - 1st Councilmanic  
Petitioner(s): Gary D. Stewart, et ux  
HEARING: THURSDAY, FEBRUARY 7, 1991 at 2:00 p.m.

Variance to permit a rear yard setback of 24 feet in lieu of the required 30 feet.

*J. Robert Haines*

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Mr. & Mrs. Gary D. Stewart

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

January 29, 1991

Mr. & Mrs. Gary D. Stewart  
#6 Dunmore Drive  
Baltimore, MD 21228

RE: Item No. 178, Case No. 91-225-A  
Petitioner: Gary D. Stewart, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Stewart:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JILLIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this  
14th day of November, 1990.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

Petitioner: Gary D. Stewart, et ux  
Petitioner's Attorney: Gary D. Stewart

**BALTIMORE COUNTY, MARYLAND**  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: December 3, 1990

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Edith May Souza, Item No. 166  
Earlie E. and Linda R. Towe, Item No. 170  
Roland H. and Darlene Farlow, Item No. 171  
Kwan Woo Lee, Item No. 172  
Harry E. Belsinger, et al., Item No. 175  
Gary D. and Kathleen M. Stewart, Item No. 178 ✓  
Dale A. and Cheryl Poletynski, Item No. 181  
Bruce D. and Mary V. Frith, Item No. 182  
Eileen C. Misler, Item No. 183  
William M. and Constance M. Pitcher, Item No. 185  
Key Federal Savings Bank, Item No. 186  
Stephen D. and Wendy K. Mooney, Item No. 189  
Brian D. and Tullia Briscoe, Item No. 193  
Charles Henry and Vickie Jean Wallis, Item No. 195  
Sharon Plaskowski, Item No. 196  
Gary E. Stahl, Item No. 199  
Keith E. and Terri L. Yeager, Item No. 201  
Robert E. and Deborah L. Jennings, Item No. 202  
Gloria P. Brown, Item No. 203  
Robert E. and Karen E. Ege, Item No. 207  
Javad Darbandi, Item No. 208  
Thomas D. and Jeannette Considine, Item No. 209  
Helen M. Yingling, Item No. 214

In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMS MUL. TPL/2AC1

**received**  
12/19/90

**Baltimore County**  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

November 28, 1990

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers, 170, 172, 175, 176, 178, and 180.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/lab

**received**  
12/13/90



received  
11/14/90

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.







BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION

CATONSVILLE

SHEET

S.W.  
3-E

91-225A

Item #198